

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

DALLAS WILLIAMS, Minor \*  
by Her Parents and Next Friends  
AVIANCE MORRIS and VONDELL WILLIAMS  
4851 Shellbark Road \*  
Owings Mills MD 21117

and \*

AVIANCE MORRIS, Individually, and as Mother  
4851 Shellbark Road \*  
Owings Mills MD 21117

and \*

VONDELL WILLIAMS, Individually, and as Father  
4851 Shellbark Road  
Owings Mills MD 21117 \* D

Claimants

vs. \*

Case Number: 03-C-16-011226

HARVEY KASNER, M.D.  
6565 N. Charles Street, Suite 613  
Physician's Pavilion East  
Baltimore, MD 21204 \*

and

CAPITAL WOMEN'S CARE, LLC \*  
100 West Road, Suite 404  
Towson, MD 21204

*Serve on:* \*

Capital Women's Care, LLC  
11850 West Market, Suite P  
Fulton, MD 20759 \*

and \*

cc: Dept. of Health  
and Mental Hygiene

GREATER BALTIMORE MEDICAL CENTER, INC.  
d/b/a GREATER BALTIMORE MEDICAL ASSOCIATES  
6701 N. Charles Street \*  
Baltimore, MD 21204

*Serve on:*  
Mr. John Chessare \*  
6701 N. Charles Street  
Baltimore, MD 21204

and \*

GREATER BALTIMORE MEDICAL CENTER, INC.  
6701 N. Charles Street \*  
Baltimore, MD 21204

*Serve on:*  
Mr. John Chessare \*  
6701 N. Charles Street  
Baltimore, MD 21204

Defendants \*

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THE CIRCUIT COURT  
BALTIMORE COUNTY

\*\*\*\*\*

COMPLAINT

COMES NOW the Plaintiff, DALLAS WILLIAMS, Minor by and through her Parents and Next Friends, AVIANCE MORRIS, Individually and Mother, and VONDELL WILLIAMS, Individually and Father, by and through their attorney, Michael H. Bereston, Esquire and hereby sue the Defendant for cause of action state as follows:

1. The amount in controversy is in excess of Thirty Thousand Dollars \$30,000.00.
2. Venue for this action is proper in Baltimore County, Maryland.
3. At the time of the incident, Plaintiffs resided in Baltimore County, Maryland.
4. The Claimants were treated by Defendant Harvey Kasner, M.D., a licensed physician doing business in Baltimore County, Maryland.

5. The Plaintiffs were treated by the agents, servants and/or employees of Defendant Capital Women's Care, LLC, a Maryland limited liability corporation doing business in Baltimore County, Maryland.

6. The Plaintiffs were treated by the agents, servants and/or employees of Defendant Greater Baltimore Medical Center, Inc. d/b/a Greater Baltimore Medical Associates, a Maryland limited liability corporation doing business in Baltimore County, Maryland.

7. The Plaintiffs were treated by the agents, servants and/or employees of Defendant Greater Baltimore Medical Center, Inc. (hereinafter referred to as Defendant GBMC), a Maryland limited liability corporation doing business in Baltimore County, Maryland.

#### FACTS

8. The Plaintiff AVIANCE MORRIS was pregnant with her first child and had a estimated due date (EDD) by dates of June 26, 2014. Her pregnancy was complicated by gestational diabetes. Thereafter, an ultrasound performed on May 7, 2014 reported EDD by gestational measurements of June 4, 2014 and another ultrasound performed on June 5, 2014 reported an EDD by ultrasound of June 10, 2014 with a gestational weight of baby at 8 pounds 13 ounces, greater than 90%.

9. On June 12, 2014, Dr. Akman, an OB/GYN, discussed these ultrasound findings with Plaintiff Aviance Morris. Dr. Akman explained that the gestational weight was a concern and though she opted for scheduling an induction, rather than a c-section delivery, she may need one even if she tries a vaginal delivery. An induction of the baby was scheduled for June 20, 2014.

10. In the early morning hours on or about June 19, 2014 Ms. Morris' water broke and Plaintiff's AVIANCE MORRIS and VONDELL WILLIAMS reported to Defendant GBMC. The Plaintiff Aviance Morris was admitted to Labor and Delivery at 7:18am on June 19, 2014. Defendant Dr. Kasner was the OB/GYN. She was given an epidural at 8:25am and Pitocin (a drug to bring on contractions) started at 9:10am. At 4:05pm Plaintiff Aviance Morris was 9 centimeters dilated, 100% effaced and 0 station, all meaning baby is engaged and ready for delivery. By 5:17pm it is noted there is an attending and 1 PA (physician assistant) at bedside for shoulder dystocia. At 5:25pm the head is delivered and maneuvers are performed to deliver the entire baby.

11. The Minor Plaintiff Dallas Williams was born at 5:25pm with APGARS of 5 at one minute and 8 at five minutes, weighed 9 pounds 9.4 ounces, and noted to have left arm flacid - complications of vaginal delivery shoulder dystocia. The Minor Plaintiff Dallas Williams subsequently suffered from extensive left brachial plexus injury, a permanent injury restricting the use of her left arm for her life.

12. As a direct and proximate result of the Defendant's negligence, the Minor Plaintiff, DALLAS WILLIAMS, is permanently damaged.

13. In summary, Defendants should have recommended and carried out a c-section delivery on June 19, 2014 in light of the baby's weight, gestational age and mom's gestational diabetes among other risk factors. Defendants should not have attempted a vaginal birth. In addition, the Defendants should not have applied excessive traction during the vaginal delivery which was a cause of baby Dallas' permanent injuries.

14. The Defendants entered into a patient relationship with the Plaintiffs. Consequently, the Defendants acting individually and/or through their agents, servants and/or

employees were duty bound to conform their conduct as it pertained to the medical treatment of the Claimants to the prevailing standard of care expected and required of reasonably prudent and reasonably competent health care providers acting under the same or similar circumstances. Unfortunately, they did not.

15. On the contrary, the Defendants acting individually and/or through its agents, servants and/or employees breached the applicable standard of care expected and required of reasonably prudent and reasonably competent health care providers with respect to their medical care and treatment of the Plaintiffs, in the following particulars, among others:

- a. Failure to properly monitor and treat;
- b. Failure to recognize the significance of the patients' condition;
- c. Failure to prevent harm to baby;
- d. Failure to perform a timely caesarian section;
- e. Failure to apply appropriate traction during delivery; and;
- f. The Defendants were otherwise negligent.

16. There is no such thing as a standard of care that allows these Defendants or any other healthcare providers to needlessly endanger their patients. To achieve a desired benefit, these Defendants or any other healthcare provider should expose the patients to no more danger than necessary. If there is a safer treatment plan available, these Defendants or any other healthcare provider must choose it. All things being equal, these Defendants or any other healthcare provider must select the available choice of treatment plan that puts the patient in the least danger.

COUNT I

**Medical Negligence**

COMES NOW the Minor Plaintiff, DALLAS WILLIAMS, by her Parents and Next Friends, AVIANCE MORRIS, Individually and Mother, and VONDELL WILLIAMS, Individually and Father, by and through their attorney, Michael H. Bereston, Esquire and respectfully represent in support of their claim, state as follows:

17. The Plaintiffs incorporate by reference paragraphs 1 through 16.

18. Contrary to accepted standards of medical care as practiced by a reasonably prudent and competent obstetrician and doctor of osteopathic medicine, acting under the same or similar circumstances in 2014, the Defendant HARVEY KASNER, M.D. failed to properly care and treat for the Plaintiff DALLAS WILLIAMS and AVIANCE MORRIS during pregnancy and delivery. As a result, Minor Plaintiff suffers from severe permanent damages.

19. Contrary to accepted standards of medical care as practiced by a reasonably prudent and competent physician's group, and their agents, servant and employees, acting under the same or similar circumstances then existing in 2014, the Defendant CAPITOL WOMENS' failed to properly care and treat for the Plaintiff DALLAS WILLIAMS and AVIANCE MORRIS during pregnancy and delivery. As a result, Minor Plaintiff suffers from severe permanent damages.

20. Contrary to accepted standards of medical care as practiced by a reasonably prudent and competent Hospital group, and their agents, servant and/or employees, acting under the same or similar circumstances then existing in 2014, the Defendant GREATER BALTIMORE MEDICAL CENTER d/b/a GREATER BALTIMORE MEDICAL ASSOCIATES failed to properly care and treat for the Plaintiff DALLAS WILLIAMS and

AVIANCE MORRIS during pregnancy and delivery. As a result, Minor Plaintiff suffers from severe permanent damages.

21. Contrary to accepted standards of medical care as practiced by a reasonably prudent and competent Hospital, and their agents, servant and/or employees, acting under the same or similar circumstances then existing in 2014, the Defendant GREATER BALTIMORE MEDICAL CENTER failed to properly care and treat for the Plaintiff DALLAS WILLIAMS and AVIANCE MORRIS during pregnancy and delivery. As a result, Minor Plaintiff suffers from severe permanent damages.

22. The Plaintiffs were not in any way contributorily negligent and relied upon the judgment and expertise of the Defendants and/or their servants, agents and employees.

23. The Plaintiffs did not assume the risk of the Defendants' failure to properly care and treat them during pregnancy and delivery.

24. The violations of the standard of care by Defendants directly and proximately caused the Plaintiffs' injuries, disabilities and damages.

25. Venue is proper in Baltimore County, Maryland. The claim is in excess of \$30,000.00.

## COUNT II

### **Damages of DALLAS WILLIAMS, Minor**

COMES NOW the Minor Plaintiff, DALLAS WILLIAMS, by her Parents and Next Friends, and through his attorney, Michael H. Bereston, Esquire and respectfully represents in support of claim as follows:

26. The Minor Plaintiff herein incorporates paragraphs 1 - 25.

27. The Minor Plaintiff is permanently damaged, both physically and mentally as a result of the negligence of Defendant.

28. DALLAS WILLIAMS will be unable to enjoy a normal childhood and adulthood. The Minor Plaintiff will need special attention, continuous medical care, and special accommodations. It is likely her injury will impact future earnings. Additionally, the Minor Plaintiff will need medical care and treatment for the rest of her life.

29. The Plaintiffs did not assume the risk of the Defendants' failure to properly care and treat them during pregnancy and delivery.

30. The violations of the standard of care by Defendants' directly and proximately caused the Plaintiffs' injuries, disabilities and damages.

31. Venue is proper in Baltimore County, Maryland. The claim is in excess of \$30,000.00.

### COUNT III

#### **Damages of AVIANCE MORRIS, Mother**

COMES NOW the Plaintiff AVIANCE MORRIS, Individually and as Mother, by and through her attorney, Michael H. Bereston, Esquire and respectfully represents in support of claim as follows:

32. The Plaintiff herein incorporates paragraphs 1 - 31.

33. The Plaintiff, AVIANCE MORRIS, experienced extreme physical and emotional pain and suffering following the birth of her daughter.

34. Ms. Morris is unable to enjoy her daughter in the way a mother would, as the Minor Plaintiff is permanently damaged.



35. The Plaintiff physically, emotionally and economically cares for her daughter and will continue caring for her daughter physically, emotionally and economically for her lifetime as a result of the negligence of the Defendants, and their servants, agents and employees.

36. The Plaintiffs did not assume the risk of the Defendants' failure to care and treat them during her pregnancy and delivery.

37. The violations of the standard of care by Defendants directly and proximately caused the Plaintiffs' injuries, disabilities and damages.

38. Venue is proper in Baltimore County, Maryland. The claim is in excess of \$30,000.00.

### COUNT III

#### **Damages of VONDELL WILLIAMS, Father**

COMES NOW the Plaintiff, VONDELL WILLIAMS, Individually and as Father, by and through her attorney, Michael H. Bereston, Esquire and respectfully represents in support of claim as follows:

39. The Plaintiff herein incorporates paragraphs 1 - 38.

40. The Plaintiff, VONDELL WILLIAMS, experienced extreme emotional pain and suffering following the birth of his daughter.

41. Mr. Williams is unable to enjoy his daughter in the way a father would, as the Minor Plaintiff is permanently damaged.

42. The Plaintiff physically, emotionally and economically cares for his daughter and will continue caring for his daughter physically, emotionally and economically for

her lifetime as a result of the negligence of the Defendants, and their servants, agents and employees.

43. The Plaintiffs did not assume the risk of the Defendants' failure to care and treat them during her pregnancy and delivery.

44. The violations of the standard of care by Defendants directly and proximately caused the Plaintiffs' injuries, disabilities and damages.

45. Venue is proper in Baltimore County, Maryland. The claim is in excess of \$30,000.00.

#### COUNT IV

##### **Lack of Informed Consent**

COMES NOW the Minor Plaintiff, DALLAS WILLIAMS, by her Parents and next Friends, AVIANCE MORRIS and VONDELL WILLIAMS, by and through their attorney, Michael H. Bereston, Esquire and respectfully represents in support of claim as follows:

46. The Plaintiffs herein incorporate paragraphs 1 - 45.

47. At no time on the day of delivery June 19, 2014 did the Defendants acting Individually and/or through their agents, servants and/or employees inform the Plaintiffs of the potential harm to the unborn baby by having a vaginal delivery in light of her gestational diabetes and the baby's weight. In addition, Defendants should have recommended a c-section and informed the Plaintiffs of the benefits of immediate delivery through caesarean section.

48. By failing to inform Plaintiffs of the material risks involved and the benefits of c-section delivery the Defendants breached their duty to secure a fully informed consent of the Plaintiffs prior to commencing treatment. Had the Plaintiffs or any other reasonably prudent patient under the same or similar circumstances been fully informed of the

material risks of vaginal delivery, Plaintiffs and any other reasonably prudent patient under the same or similar circumstances then existing would have chosen the safest course for their baby, caesarean section delivery.

49. The Plaintiffs did not assume the risk of the Defendant's failure to care and treat for DALLAS WILLIAMS and AVIANCE MORRIS during her pregnancy and delivery.

50. The violations of the standard of care by Defendants directly and proximately caused the Minor Plaintiff injuries, disabilities and damages.

51. Venue is proper in Baltimore County, Maryland. The claim is in excess of \$30,000.00.

WHEREFORE, Plaintiffs claim any and all damages as a proximate result of Defendants' negligence, demand damages as compensation for all injuries and losses, past, present and future, which they have sustained, are sustaining and will sustain in the future, all of which were caused by the negligence of the Defendants, without any negligence on the part of the Plaintiffs.

Respectfully Submitted,  
Law Offices Of Michael H. Bereston, Inc.

By: \_\_\_\_\_

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Attorney for the Plaintiffs

Case: 03-C-16-011226  
CF-Civil Fil:  
Appearance Fee \$80.00  
RIF-New Case \$10.00  
RUC \$30.00  
TOTAL \$55.00  
TOTAL \$175.00

COMMENT:  
Dallas Williams, et al vs Harvey Ke

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